



# General Assembly

Distr.: General  
27 June 2019

English only

---

## Human Rights Council

### Forty-first session

24 June–12 July 2019

Agenda item 8

### Follow-up and implementation of the Vienna Declaration and Programme of Action

## Written statement\* submitted by Partners For Transparency, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2019]

---

\* Issued as received, in the language(s) of submission only.



## **The role of NHRIs in combating corruption**

### **Preface**

The national human rights institutions have a major role in the protection and maintenance of human rights. It could play a pivotal role in assisting countries to adopt strengthened policies combatting corruption. They are also able to bring the perpetrators of corruption to the mechanisms of redress. In general, they work on developing laws and policies that help build a society based on justice, equality, accountability and transparency. This intervention will discuss the role of national institutions in the fight against corruption and how they contribute to the implementation of sustainable development goals. As well as presenting models of some countries that working on combatting corruption through its national institution. Hence, the Partners Foundation is taking advantage of the convening of the Human Rights Council at its forty-first session to present this intervention.

### **The role of national institutions in the promotion and protection of human rights**

National institutions are considered as one of cornerstones of the protection and promotion of human rights and as instruments of communication between States and the international human rights system. They are also a bridge between civil society and governments as they link the states' responsibilities and the rights of citizens. As well as linking national laws to regional and international human rights systems. The national institutions are a part of the State's structure as their role to protect and investigate human rights from violations, to bring those responsible for violations to justice and to provide remedies. They provide an advice to the Government and Parliament; cooperate with national stakeholders; disseminate information on human rights on a large scale; and raise awareness. Moreover, they have a mandate to protect the rule of law, administer justice and combat impunity. They are effective tools in promoting law reform and strengthening judicial and security institutions. Also, they have the right to receive individual complaints, investigations and monitoring, as they are also supervisory bodies. Therefore, national institutions enjoy the independence, promotion and protection of human rights, and their duty to combat corruption as a mechanism to protect their human rights.<sup>1</sup>

### **Corruption and Sustainable Development goals 2030**

With regard to corruption, the 16 Goal is to encourage the establishment of peaceful societies in which no one is marginalized in achieving to sustainable development, in addition to universal access to justice and the building of effective, accountable and inclusive institutions at all levels. Specifically, objective 16.5, which provides for the elimination of corruption and bribery in all its forms. Anti-corruption and bribery measures have always taken a prominent place in legal standards, seeking more transparency. While, objective 16.6, provides for the establishment of effective, transparent and accountable institutions at all levels, and objective 16.6 aiming to expand and strengthen developing country participation in global governance institutions. In addition, the objective 16.10 is to ensure public access to information and to protect fundamental freedoms in accordance with national legislation and international conventions. To implement this, transparent, cooperative and innovative models such as open government, participatory data and budgeting must be considered, and establishing mechanisms and promoting public knowledge to eliminate corruption. As well as, the need to strengthen the role of NHRIs and civil society in an appropriate environment within a legal framework based on the principles of good governance and transparency. And, putting accountability mechanisms

---

<sup>1</sup> المؤسسات الوطنية لحقوق الإنسان – مكتب مفوضية الأمم المتحدة لحقوق الإنسان <https://bit.ly/2W84ZEQ>

that ensure objective evaluation and effective partnership in implementation and monitoring process.<sup>2</sup>

## Corruption and the crisis of democracy

Data on democracy in the world have shown a link between corruption and the level of democracy. Regimes with some authoritarian tendencies have recorded the lowest scores in the Corruption Perceptions Index. For example, Turkey, has over the past five years regressed its classification from a "semi-free state" to a "not free state". These assessments reflect the deteriorating conditions at the level of the rule of law and democratic institutions in Turkey. They also reveal the growing restrictions on civil society and independent media, leading to a lack of freedom of expression, transparency and non-democracy.<sup>3</sup>

## Examples of national institutions' anticorruption practices

The anti-corruption efforts are to confront a system rather than individuals. These efforts should include effective institutions and appropriate laws, involve all stakeholders in and out of government. Legal frameworks or anti-corruption committees should be adopted, in addition to anti-corruption strategies and elements such as independent judiciary Expression and transparency in the political system, and accountability for a successful strategy.

In Egypt, the President of the National Council for Human Rights called for the need to raise awareness of the seriousness of the phenomenon of corruption and to report it, and to prosecute and punish the perpetrators in order to ensure fairness and transparency. He stressed on the importance of strengthening international efforts to combat it through companies and governmental and non-governmental bodies (civil society, youth, women and media). In addition to the Council's follow-up to Egypt's anti-corruption strategies (2014-2018) and (2019-2022)<sup>4</sup>. The Egyptian state recognizes the seriousness of corruption as a major impediment to sustainable development 2030 and combats it for administrative reform and good governance. Hence, the Egyptian Constitution guarantees the promotion of the values of integrity, transparency and development of the aforementioned strategies. In addition to the independent bodies, including the National Council for Human Rights to combat the phenomenon of corruption, and the awareness campaigns carried out by the Council to educate the Egyptian citizens against corruption.<sup>5</sup>

In Saudi Arabia, the President of the Human Rights Commission, in discussing the third report of the kingdom in the periodical review mechanism, stated that the Kingdom issued a royal decree in 2017 to set up a high committee that combat corruption to protect public money. The National Center "Adaa" (Lit. Performance) was established to measure the performance indicators of government agencies and to issue periodic reports on the achievement of the sustainable development goals 2030, and to measure the satisfaction of beneficiaries of government services.<sup>6</sup>

In Tunisia, the Government reports that the Tunisian Constitution links the judiciary to corruption with the principles of human rights and the principles of equality, equity and non-discrimination. To combat corruption, the National Human Rights Institution has the authority to receive complaints concerning corruption and human rights violations. Tunisia recognizes the need for interaction and cooperation between the Anti-Corruption Agency

<sup>2</sup> <https://bit.ly/2RQ3rt1> الهدف 16 من أهداف التنمية المستدامة، السلام والعدل والمؤسسات القوية

<sup>3</sup> مؤشرات مدركات الفساد 2018 يكشف تعثر جهود مكافحة الفساد في معظم دول العالم – منظمة الشفافية الدولية – يناير 2019 <https://bit.ly/2Be5BML>

<sup>4</sup> المجلس القومي لحقوق الإنسان- اليوم العالمي لمكافحة الفساد <https://bit.ly/2M5nLIe>

<sup>5</sup> وزير شؤون مجلس النواب يقدم تقرير مصر أمام اللجنة الإفريقية لحقوق الإنسان – مايو 2019 <https://bit.ly/2HUytvY>

<sup>6</sup> المملكة منحت قضية مكافحة الفساد أولوية قصوى- 5 نوفمبر 2018 <https://bit.ly/2HZbG2d>

and the National Human Rights Institution to collect data and raise public awareness of the negative effects of corruption.<sup>7</sup>

In Jordan, in the framework of strengthening the system of integrity and intensifying and uniting the efforts of supervision, both the Anti-Corruption Authority and the Board of Grievances have been merged into one national institution called the Integrity and Anti-Corruption Commission. A special law has been issued, which is a reform step in terms of standardization of references in the work on combating corruption, verification in complaints and grievances and strengthen the system of national integrity. Jordan seeks to achieve the goals of the United Nations in the promotion and protection of human rights by instilling a sense of the rule of law. This is the basis for democracies, Prosperous economies and productive societies. These laws include the Integrity and Anti-Corruption Act, the Right to Information Act and the Law on Illegal Gain, which promote an environment in which national integrity, transparency and anti-corruption are realized to develop the human rights system. In addition, the National Center for Human Rights to conduct seminars on the fight against corruption, and other lectures, and investigate and follow up complaints of corruption.<sup>8</sup>

## Recommendations

As the Partners for Transparency Foundation supporting Combating Corruption and implementing the 2030 Sustainable Development agenda, we commend the efforts of the Human Rights Council and recommend:

Strengthen national institutions which responsible for ensuring controls and balances on political power and ensuring that these institutions operate without intimidation.

The Council should ask States to close the gap between legislation on corruption and its implementation on the ground and to apply its provisions.

The Human Rights Council should call for the exchange of experiences and good practices in the use of the Framework for Action against Corruption among States.

To allow the review of periodic reports of civil society and human rights defenders as a measure of the extent to which national institutions are compatible with the Paris Principles.

<sup>7</sup> تقرير المفوض السامي، أفضل الممارسات في جهود مكافحة آثار الفساد السلبية على التمتع بجميع حقوق الإنسان <https://bit.ly/2HEiTp8>

<sup>8</sup> الأردن أمام مجلس حقوق الإنسان: حققنا إنجازات مهمة رغم التداعيات الأمنية الخطيرة في المنطقة- وكالة الأنباء الأردنية <https://bit.ly/2VS3Snx>  
تنظيم ندوة حول محاربة الفساد <https://bit.ly/2Mc054U>  
شبه فساد بامتحان وظيفي في المركز الوطني لحقوق الإنسان <https://bit.ly/2G6gCiT>  
محاضرات وأوراق عمل – المركز الوطني لحقوق الإنسان <https://bit.ly/2HYdAQp>